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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,224	12/05/2001	Takuya Kotani	35.G2954	4170

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EXAMINER

EHICHIOYA, FRED I

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,224

Applicant(s)

KOTANI, TAKUYA

Examiner

Fred I. Ehichioya

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 5, 13 - 17 and 25 is/are rejected.
- 7) ☒ Claim(s) 6 - 12 and 18 - 24 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1 - 25 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5, 13, 17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,870,741 issued to Shigehisa Kawabe et al. (hereafter "Kawabe") in view of U.S. Patent 6,366,909 issued Toshiyuki Yuasa et al (hereinafter "Yuasa").

Regarding claims 1, 13 and 25, Kawabe teaches a data search apparatus for conducting a search of data which includes binary data and meta-data, comprising (see column 7, lines 6 – 12):

a database in which the data to be searched is registered (see column 3, lines 12 – 62); and

matching means for matching actually existing data in said database to the data registered in said database while said search means is conducting a search (see column 1, lines 43 – 46).

Kawabe does not explicitly teach search means for conducting a search of the data based on a set search condition and the meta-data contained in each item of the data registered in said database.

Yuasa teaches search means for conducting a search of the data based on a set search condition and the meta-data contained in each item of the data registered in said database (see column 4, lines 20 - 29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Yuasa with the teaching of Kawabe wherein search condition is applied to registered data to be searched. The motivation is that the combination of Yuasa creates an efficient search on the registered data by incorporating search condition that enables plural search using multiple terms.

Regarding claims 5 and 17, Kawabe teaches wherein the binary data is one of still image data, moving picture data, and audio data (see column 7, lines 8 – 12).

4. Claims 2, 3, 4, 14, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawabe in view of Yuasa and further in view of U.S. Patent 6,209,124 issued Dean R. Vermeire et al (hereinafter "Vermeire").

Regarding claims 2 and 14, Kawabe or Yuasa does not explicitly teach wherein the meta-data is described in a data description language.

Vermeire teaches the meta-data is described in a data description language (see column 8, lines 30 – 34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Vermeire with the teaching of Kawabe and Yuasa wherein meta data is used to describe the record layout. The motivation is that meta data is used to derive useful meaning from binary sets.

Regarding claims 3 and 15, Vermeire teaches wherein the data description language is one of XML, SGML, and HTML (see column 8, lines 52 – 62).

Regarding claims 4 and 16, Vermeire teaches wherein the meta-data is attached after the binary data (see column 9, line 64 – column 10, line 29).

Claim Objections

5. Claims 6 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

As to claims 6 and 18, the prior art of record does not teach or fairly suggest wherein said search means comprises: list display means for selecting a predetermined number of data from the data registered in said database, and for displaying a list of

information corresponding to the selected data; meta-data display means for displaying the meta-data contained in the data selected from the list; setting means for setting the search condition from the meta-data displayed by said meta-data display means; and execution means for conducting a search of the data registered in said database based on the search condition set by said setting means, and wherein said matching means prohibits said list display means from displaying information corresponding to data which does not actually exist in said database, and deletes the registration of said data from said list display means.

Claims 7, 8, 9, 10, 11, and 12 are dependent on claim 6; and Claims 19, 20, 21, 22, 23 and 24 are dependent on claim 18. They further limit the subject matter of claims 3, 18 and 33 respectively.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 703-305-8039. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

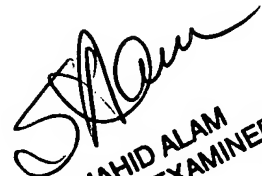
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-303-3900.

Fred I. Ehichioya
Examiner
Art Unit 2172
July 6, 2004


SHAHID ALAM
PRIMARY EXAMINER